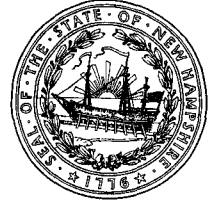




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

September 12, 2005

**LETTER OF DEFICIENCY# WSEB 05-149**  
CERTIFIED MAIL 7099 3400 0003 0691 2403

Melodie Esterberg  
City of Rochester  
Rochester Public Works  
45 Old Dover Road  
Rochester, NH 03867

Subject: Rochester - Public Water System: Rochester Water Department (EPA# 2001010)

Dear Ms. Esterberg:

The records of the Department of Environmental Services (DES) show that the Rochester Water Department water system (RWD) is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more service connections, or 25 or more people, for 60 or more days per year. Pursuant to NH Admin. Rule Env-Ws 360.14, and the federal Bioterrorism Act, the water system owner was required to complete and submit an Emergency Plan to DES by December 31, 2004.

DES has repeatedly advised the RWD of the deadline during phone conversations and by at least one e-mail. DES has also provided the RWD with DES and EPA websites that contain guidance documents to assist in the preparation of an Emergency Plan. Despite repeated assurances by RWD representatives that a copy of the Emergency Plan would be forthcoming, DES has not received the document.

DES believes the Emergency Plan violation can be corrected by taking the following action:

- 1. By September 30, 2005, submit to DES an Emergency Plan that meets the requirements of Env-Ws 360.14.**

In the event compliance is not achieved within this period, DES may initiate formal action against the RWD, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The Emergency Plan submittal should be addressed as follows:

Department of Environmental Services  
Attn: Johnna McKenna  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

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Rochester Water Department

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Please contact Johnna McKenna at (603) 271-7017 or by email at [jmckenna@des.state.nh.us](mailto:jmckenna@des.state.nh.us), if you have any questions regarding the preparation and submission of the Emergency Plan. If you have any questions concerning this letter, please contact Alan Leach at (603) 271-2854 or by email at [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us).

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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cc: Gretchen R Hamel, DES Legal Unit Administrator  
Mary Beth Wisner, Primary Operator  
Larry Hamer, Rochester Health Officer  
EPA, Region 1